

# MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, September 6, 2016 - 6:00 P.M. COUNCIL CHAMBERS, CITY HALL

### **COUNCIL MEMBERS PRESENT**

Mayor Pro Tem Russell Porter, Council Members Brent Strate, Sallee Orr, Bryan Benard, and Adam Hensley

#### STAFF MEMBERS PRESENT

City Manager Matt Dixon, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Assistant to the City Manager Doug Gailey, and Recorder Leesa Kapetanov

### CITIZENS PRESENT

Wesley Stewart, Jerry Cottrell, Walt Bausman, Ethan Woody, Jackson Buckway, Michael Booth, Roselyn Hartman

### I. OPENING CEREMONY

### A. Call To Order

Mayor Pro Tem Porter called the meeting to order at 6:00 pm. He excused Mayor Minster who was ill and unable to be in attendance and then called for a motion to open the meeting.

Council Member Orr moved to convene as the South Ogden City Council, followed by a second from Council Member Benard. In a voice vote Council Members Orr, Hensley, Porter, Benard, and Strate all voted aye.

### B. Prayer/Moment Of Silence

The mayor pro tem invited those present to participate in a moment of silence.

### C. Pledge Of Allegiance

Council Member Hensley led everyone in the Pledge of Allegiance.

Mayor Pro Tem Porter indicated it was time for public comments, asking that those speaking limit their comments to three minutes.

### II. PUBLIC COMMENTS

<u>Wes Stewart, 3625 Jefferson</u> – stated he felt the 500 foot notification was a good thing for the City to implement; it got the public involved in the political process. He then said that there were many minorities in his neighborhood and they did not make a lot of money. He wondered where they would go if the City pushed them out. The City should provide programs for them. They had the right to

live in a quiet residential neighborhood.

He concluded his remarks by asking that the City look at providing an area for bikes on the sidewalk on 40<sup>th</sup> Street. It would be too dangerous for the bikes to be in the street.

There were no other public comments.

### III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Pro Tem Porter invited the scouts present at the meeting to come forward and introduce themselves. Council Member Benard presented each with a South Ogden City pin. Ethan Woody and Jackson Buckway, Troop 256, came forward. They were attending the meeting to earn their Citizenship in the Community merit badge. Scoutmaster Michael Booth also came forward.

# IV. CONSENT AGENDA

A. Approval of August 16, 2016 Council Minutes and August 30, 2016 Special Meeting Minutes

### **B.** Approval of August Warrants Register

The mayor pro tem read through the items on the consent agenda and asked if there were any questions. There were no questions from the Council. The mayor pro tem called for a motion concerning the consent agenda.

Council Member Benard moved to approve the consent agenda. Council Member Strate seconded the motion. Council Members Benard, Strate, Orr, Hensley and Porter all voted aye.

### V. DISCUSSION/ACTION ITEMS

A. Consideration of Ordinance 16-18 – Amending Title 10, Chapters 1 and 15 Having To Do With Land Use Public Hearing Proximity Notifications

Mayor Pro Tem Porter asked if there was discussion concerning this item. Council Member Benard said that since they were going beyond what state statute required, staff needed to have a process in place to make sure notices got out in the event the recorder was ill or not in the office. Council Member Hensley pointed out there were some unnecessary spaces in the ordinance that should be cleaned up. The mayor pro tem then entertained a motion.

Council Member Benard moved to approve Ordinance 16-18, followed by a second from Council Member Orr. There was no further discussion. Mayor Pro Tem Porter called the vote:

Council Member HensleyCouncil Member OrrCouncil Member StrateYes
Council Member BenardYes
Mayor Pro Tem PorterYes

# Ordinance 16-18 was adopted.

# B. Consideration of Resolution 16-28 – Approving an Agreement With Consolidated Paving and Concrete For 43rd Street Repaving Project

City Manager Dixon explained the lowest qualified bidder for the street project was Consolidated Paving and they had been awarded the bid. He added that the city engineer had also tested the road to determine what work was absolutely necessary in order to not spend any more money than needed. It was determined they would mill the road down 3" and use that product to lay down as a base for the new asphalt.

The Council asked several questions concerning the project and bid award. Mayor Pro Tem Porter then called for a motion concerning Resolution 16-28.

Council Member Orr moved to adopt Resolution 16-28. The motion was seconded by Council Member Strate. The mayor pro tem then called the vote:

Council Member Orr-	Yes
<b>Council Member Strate-</b>	Yes
<b>Council Member Benard-</b>	Yes
<b>Council Member Hensley-</b>	Yes
Mayor Pro Tem Porter-	Yes

The motion stood.

# C. Consideration of Resolution 16-29 – Approving a Franchise Agreement With the Wasatch Front Football League

City Manager Dixon reminded the Council this was an agreement they did annually. By adopting it, the City was agreeing to abide by the WFFL's program policies and procedures. The City had been participating in the program for over 20 years. Staff recommended approval. The Council asked several questions concerning the agreement and the program, including if the City had any other options of other leagues. Parks and Public Works Director Jon Andersen answered their questions, stating that there were no other options. The mayor pro tem called for a motion.

Council Member Hensley moved to adopt Resolution 16-29. Council Member Benard seconded the motion. The mayor pro tem asked if there were any further discussion, and seeing none, made a roll call vote:

<b>Council Member Strate-</b>	Yes
<b>Council Member Benard-</b>	Yes
<b>Council Member Hensley-</b>	Yes
<b>Council Member Orr-</b>	Yes
Mayor Pro Tem Porter-	Yes

Resolution 16-29 was adopted.

# D. Consideration of Resolution 16-30 – Approving an Agreement With iWorQ for Road Pavement Assessment

City Manager Dixon explained that in order to create a Transportation Infrastructure Improvement Plan, the City needed to first get a current baseline assessment of all the roads. This agreement would allow that to happen. The assessment would assign a road surface life (RSL) to each road in the City, allowing staff to create a long-range plan of road replacement and maintenance. The \$5,520 cost for the assessment would come from Class C road funds. Council Member Strate said he was confused; he thought they had paid out \$30,000 in February for this to be done. City Manager Dixon explained they had decided to create a Transportation Infrastructure Improvement Plan in February, but the money to do so had not been allocated until the budget was adopted in June. This road assessment was necessary in order to create the Transportation Plan, but would be paid for through Class C funds, not from the \$30,000 from the general fund set aside for the Transportation Plan. Parks and Public Works Director Jon

general fund set aside for the Transportation Plan. Parks and Public Works Director Jon Andersen added that the Transportation Plan would show how much money was needed to bring the roads to the level they should be; this would allow the Council to determine if a transportation fee should be assessed. Council Member Strate said he thought the process had begun back in February, when they were told that it would take a year; he was concerned that it had not begun until now. There was discussion and explanation between the Council and staff. Council Member Hensley requested some information on if the \$30,000 allocated for the Transportation Plan included the cost of the road assessment. There was no further discussion. Mayor Pro Tem Porter called for a motion.

Council Member Strate moved to adopt Resolution 16-30, followed by a second from Council Member Benard. The mayor pro tem then called the vote:

Council Member BenardCouncil Member OrrCouncil Member StrateYes
Council Member HensleyYes
Mayor Pro Tem PorterYes

Motion stood. Resolution 16-30 was adopted.

## VI. DISCUSSION ITEMS

### A. Policy Direction for Law Enforcement Compensation

Chief Darin Parke read through a statement to the council (see Attachment A) outlining the near-crisis difficulties of police departments around the country, including South Ogden, in hiring and retaining officers. Surrounding police jurisdictions had actively recruited South Ogden officers, three of whom had tendered their resignations. The other jurisdictions had offered increased pay, between \$4 and \$8 more per hour, as well as things like signing bonuses. There were not enough qualified applicants to fill the positions in our City, and other cities were experiencing the same thing. The costs to train a new employee were estimated at \$70,000.

Because of the decrease in the number of available officers, mandatory overtime had been increased, requests for vacation denied, and overall stress had gone up. Morale was being negatively affected. The South Ogden Police Department was at risk for several things: losing more officers, not being able to fill vacancies, becoming a training ground for other departments, increased liability, and decreased safety.

City Manager Dixon said staff was looking for direction from the Council as to what policy they should follow to manage this very real problem. Staff needed to find a balance of handling the situation in a way that was acceptable to the council, yet still keep up with a rapidly changing environment and not lose any more officers in the meantime. Staff would like the Council to give direction on two issues: 1) how competitive and aggressive staff should be and, 2) what were the financial limits they could work within to remain competitive.

Mayor Pro Tem Porter said he would like to see what the costs for a \$2, \$4, etc. raise would be. He would also like to know if those who were leaving for \$5 an hour increases would stay with the City for a \$3 an hour raise. He wondered if the situation would eventually die down or if staff anticipated it would continue for a long time.

Council Member Strate said there were similar problems for teachers and went on to outline what teachers were facing. He also pointed out the county was raising taxes on South Ogden residents to increase pay for their officers, but the City did not use the counties officers since we had our own police department. He also said there was an economy of scale problem in the City. He added that the City should encourage the Utah League of Cities and Towns to lobby the State for a re-assessment of the retirement package.

Council Member Orr asked if the City could require a contract be signed by newly trained officers that they would stay with the City for a certain number of years.

Council Member Benard stated the City should not try to compete in dollar per dollar wages; we would always lose that battle. He felt we should look at things like a \$5,000 401k contribution, which would take place over a 5 year period. If the employee left at year 2, they would not receive the rest of the contribution. He had also seen bonuses offered to employees such as employers signing on home loans. He felt the City should look at bonus programs to encourage employees to stay instead of increasing wages which would have long term effects.

City Manager Dixon thanked the Council for their ideas and concern. He pointed out that to implement any of the ideas, the Council would have to allocate money in the budget to do so. Staff was looking for an amount so they knew what they had to work with. Council Member Benard suggested they figure out how much they would lose in overtime due to the officer shortage and use that money proactively to retain or hire officers. Council Member Orr suggested we try to offer the 3 officers leaving an incentive to stay.

Chief Parke addressed the economy of scale comment, reminding the Council the City participated in many cooperative agreements including SWAT, Narcotics Strike Force, Consolidated Dispatch, CSI, Gang Unit and others. He said his officers understood that South Ogden could never offer the level of pay of places like Salt Lake City, but they had a loyalty to the City and might stay for an increase in pay even if it was not equal to what they could get elsewhere.

Council Member Hensley pointed out there was an immediate need for action as well as the need to find a long-term solution to the problem.

Chief Parke agreed. He said he had done some analysis on which wages needed to be increased and how much based on the current market. He had also factored benefits into the calculations and come up with the amount of \$117,000 for an entire year. Since part of the fiscal year was already past, the amount now needed came to \$99,000. The Chief said using this money for wages would not make us equal with Riverdale or Salt Lake, but he had tried to use it to the best advantage, taking in all aspects of the wage increases as far as position and experience.

Council Member Strate said he felt they should authorize the money immediately, but wanted to find solutions for the long-term as well. Council Member Hensley commented he thought there was some money left over from a previous request from staff that had been denied. Mayor Pro Tem Porter said they needed to give some immediate direction to staff. He was willing to allocate the \$99,000, but hated to see it all come out of the general fund. Council Member Benard pointed out raising wages meant they would be permanently "locked in" to the increased amount of wages from this point forward. He felt that allocating \$99,000 was not the best solution. He would rather allocate \$50,000-\$60,000 to be used in incentive packages to keep the employees we had and entice others to work for us. Council Member Hensley agreed. Mayor Pro Tem Porter said he felt increasing salaries was also necessary. Council Member Strate said he was willing to do something short term to stop the bleeding and then work on finding a long term solution in the next 6 months, not only for this issue but for the budget as a whole; it may involve asking more from the tax payers.

City Manager Dixon said staff was asking the Council to trust their police chief and city administration to do what was best to manage the problem. The chief knew what was happening in the surrounding communities and knew best as to what would appeal to his officers. Staff was requesting that the Council allocate money so they could solve the problem. They would also look at the budget to see if additional money could be found. Mr. Dixon asked the Council to specify an amount they were willing to allocate under the worst case scenario.

Council Member Benard said he trusted staff, but still did not want to put the money toward salaries; he felt it would be better spent in retention or signing bonuses. He also did not want to make important long-term decisions under pressure. Allotting bonus money now would allow them to find long-term solutions for later and not lock them into increased salaries. Council Member Strate agreed.

Chief Parke said he liked the idea of bonuses, but felt the salaries should come first and the bonuses second. Ogden City had done what the Council was suggesting and given bonuses for a few years, promising they would find a solution. They had put it off so long they lost trust with their employees and were still losing officers to other jurisdictions who were paying more. The chief said any bonuses South Ogden gave would have to be so high to compensate for the increased wages our officers would receive somewhere else, the money should just go to increasing wages here.

City Manager Dixon asked again if there was an amount the Council was comfortable with allocating to solve the problem. Council Member Benard asked if the money would be used for wages. Mr. Dixon said it would; that is how officers were being recruited. Mr. Benard said a \$2,500 bonus would be more that a \$5 per hour raise for the next 6 months. They could offer that now and then have 6 months to find a long-term solution. He felt the officers should accept the good will of the Council and realize they were committed to finding a solution. Chief Parke

said his employees were grateful for all the Council had done for them in the past, and would be appreciative of whatever the Council decided now. The chief's fear was that if 2 or 3 employees left, there would be no one to replace them. He did not disagree with the idea of bonuses, but felt they should be used as a second incentive, with wages first.

City Manager Dixon reiterated that he felt the chief was the best person to know the mindset of his employees and what would work best in retaining and hiring officers.

The Council discussed the matter further. They discussed several amounts to allocate. The consensus of the Council was to allocate \$25,000 for one time incentives. They also requested more information on long-term solutions, including how increased wages impacted the budget. They would implement a long-term solution as soon as an acceptable one was decided upon.

### VII. REPORTS

**A.** Mayor Pro Tem – commented the "Cookie With A Cop" event was excellent.

### **B.** City Council Members

**Council Member Benard** – also agreed the police event was great. He also commended the police department for the excellent way they handled a difficult situation at Glasmann Park over the weekend.

**Council Member Strate** – would report at a later date.

**Council Member Orr** – thanked staff for the great police night.

**Council Member Hensley** – also commented the police night was excellent. He was happy to see many police family members in attendance.

- **A.** City Manager nothing to report.
- **B.** City Attorney not present.

### VIII. COUNCIL COMMUNICATION/DIRECTION TO CITY MANAGER

This item was removed from the agenda due to time constraints.

### IX. ADJOURN COUNCIL MEETING AND CONVENEINTO WORK SESSION

The Council agreed to amend the agenda to have the work session next instead of the CDRA Board meeting. Mayor Pro Tem Porter entertained a motion to enter into a work session.

At 8:15 pm, Council Member Benard moved to recess City Council Meeting and move into a work session. The motion was seconded by Council Member Strate. The voice vote was unanimous in favor of the motion.

Note: The Council took a short break and moved to the EOC room for the work session. Staff as well as members of the  $40^{th}$  Street design team joined the Council for the work session. Some residents were also present.

Mayor Pro Tem Porter began the work session at 8:30 pm and turned the time to City Manager Dixon. Mr. Dixon explained a design team for 40<sup>th</sup> Street had been formed and were present that evening. He had each member introduce themselves. Present were Engineer Brad Jensen and Jory Wahlen from Wasatch Civil Engineering, Joe Perrin from A-Trans Engineering, and Shawn Shuler and Kat Yoder from Horrocks Engineering, as well as City Planner Mark Vlasic. Brad Jensen then facilitated the meeting, explaining they were there to provide information and get direction. He provided a small packet for those present (see Attachment B). The first 5 pages showed the alignment of the street. The alignment was set; it had been drawn to avoid as many property acquisitions as possible. The last 5 pages showed some different design options for the street. The Council and staff discussed many aspects of the street design, including center medians, large and small trees, pedestrian crossings, art, and lighting. There was extensive discussion on roundabouts and if their cost could be justified. They also talked about whether they could seek more money from the state for roundabouts or beautification. The Council then discussed the different design options and variations on them. Direction to staff was to seek additional funding from the state. They also asked for some designs that put trees on the side of the street but not in the middle. Planter boxes should be considered along the sidewalk, which should be as wide as possible, as a buffer between the homes on 40<sup>th</sup> and the street.

Fire Chief Cameron West expressed his concerns about raised medians in the road. The street was a major access for the whole county to McKay-Dee Hospital. If there was an accident on 40<sup>th</sup> and there was a median, the whole street would be shut down and access to the hospital would be limited.

The Council asked that a design be created with a raised median, but only at the beginning and end of the widening project, not all the way along it. There was no further discussion.

# X. ADJOURN WORK SESSION AND CONVENE AS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD Mayor Pro Tem Porter indicated it was time to enter a CDRA Board meeting.

At 10:04 pm, Council Member Benard moved to adjourn the work session and convene as the CDRA Board. The motion was seconded by Council Member Orr. The voice vote was unanimous in favor of the motion.

See separate minutes.

The CDRA Board meeting concluded at 10:47 pm.

### XI. RECONVENE CITY COUNCIL MEETING AND ADJOURN

Acting Chair Porter then entertained a motion to adjourn City Council meeting.

Council Member Benard moved to adjourn City Council meeting. Council Member Strate seconded the motion. All present voted aye.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, September 6, 2016.
Leesa Kapetanov City Recorder
Leesh Kapetanov City Recorder  Date Approved by the City Council September 20, 2016
_ = == -Trr

# Attachment A

Letter from Police Chief Darin Parke

Comments from Chief Parke, council meeting 9/6/2016

I spoke with the Mayor and Council about the changes taking place in the market for police officers last year. After deliberation and evaluation of the circumstances, action was taken to address the needs which existed at that time. The actions of the Mayor and Council previously stopped the migration of officers from SOPD, and are not forgotten. I appreciate the action the Mayor and Council have taken in the past to protect this community, your expressed concerns for your officers, and your desire to continue to address the situation.

I will give an overview of the current situation at three levels: generally, locally, and specifically to SOPD.

#### **General Situation:**

The competition for police officers continues to be highly aggressive.

The numbers of individuals applying to the police academy have dropped substantially. Academy sessions are being cancelled because of not having enough cadets.

The number of individuals applying for police jobs are at all-time lows. Departments are re-advertising vacancies several times to try to get enough applicants to even conduct a testing process. Many applicants are not considered suitable for police work. Departments are repeating the cycle after not finding suitable applicants. Some departments are beginning a new job announcement prior to completing a testing cycle currently underway, or not closing job announcements.

In order to address the shortages in acceptable applicants, departments are focusing more and more on recruiting current officers from other departments. Additional reasons to do so include: avoiding the high cost of selection and Field Training Program processes- which can be over \$70,000.00 in employee hours alone, high level of experience and competence, lower level of liability exposure. Jurisdictions are continually evaluating their position in the market and making non-traditional adjustments to their officer's, and recruiting salaries.

To retain the officers they have, and attract new ones, organizations are adjusting their pay scales, and compensation policies.

A factor in low recruit numbers in Utah are the changes made to the State Retirement System in 2010. Public Safety Retirement Pension was changed from 50% at 20 years to 32% at 25 years, with a mandatory separation from any public service work for one year. Surrounding states still have a 50-20 system and people are going to them for work.

## Locally:

WCSO: 53 Deputy Vacancies in the last two years. Attrition rate has gone from single digits to 20%+. They estimate the financial loss is \$420,000 due to turn over. 75% of applicants are eliminated in

testing. Of a group of 20 applicants the hope is to identify 2 or 3 viable candidates. They are exploring a property tax increase.

Ogden: They have 135 officer positions. Lost 50 officers in 3 years, and are currently down 20 officers. They are losing up to 10 cops at a time. In order to get experienced officers they are offering a \$2,000.00 hiring bonus for lateral candidates. They have changed their salary scale, and may incorporate a tax increase.

North Ogden: Lost 4 officers in 12 months for more money. Receive 3 to 10 applicants. Many applications scrapped due to criminal history or no POST. Repeated selection one time.

Pleasant View: I'm told has had a complete turnover in the department last 4 years. Changed salary scale.

Riverdale: Lost 6 officers in 12 months. They have repeated job announcements several times due to lack of applicants. Many applications scrapped due to criminal history or no POST. They have successfully recruited one SOPD officer, and are possibly going to take more by offering up to \$33.00 an hour. They have changed their salary scale. They use the state average, plus 10% for salary calculations.

Roy: Lost 15 officers in the past year. Receive as little as 5 to 20 applications. Many applications scrapped due to criminal history or no POST. Repeated selection without finding a desirable applicant 4 times. Currently soliciting our officers with up to \$32.00 an hour. They have changed salary scale, and are exploring a property tax increase.

### Status of S.O.P.D.

SOPD officers have an excellent reputation in the community, and within law enforcement. Departments are actively soliciting SOPD officers to work for them. At this time there are 3 pending vacancies in the police department, which has a total of 22 police officers. The officers are being given higher salaries at other departments. All levels of experience are targeted. The experience levels of those leaving are: 2 years, 8 years, and 17 years. They are receiving between \$4.00 and \$8.00 an hour more.

Those increases are \$3.00 to \$5.00 more an hour than a SOPD Sergeant (their supervisor), with 28 years experience, and 13 years as a Sergeant.

Three more SOPD officers have recently applied in with other departments. Other officers are considering their career options. Our officers are reluctant to leave for many reasons, among them are organizational loyalty, and a hope that their situation here will improve.

We are experiencing the same recruiting problems noted above. We receive very few applications, and are having difficulty is in soliciting officers from other departments. Officers with other agencies who have indicated in the recent past that they would apply for vacancies here have been recruited by another department in the interim, or have had their pay increased by their current employer.

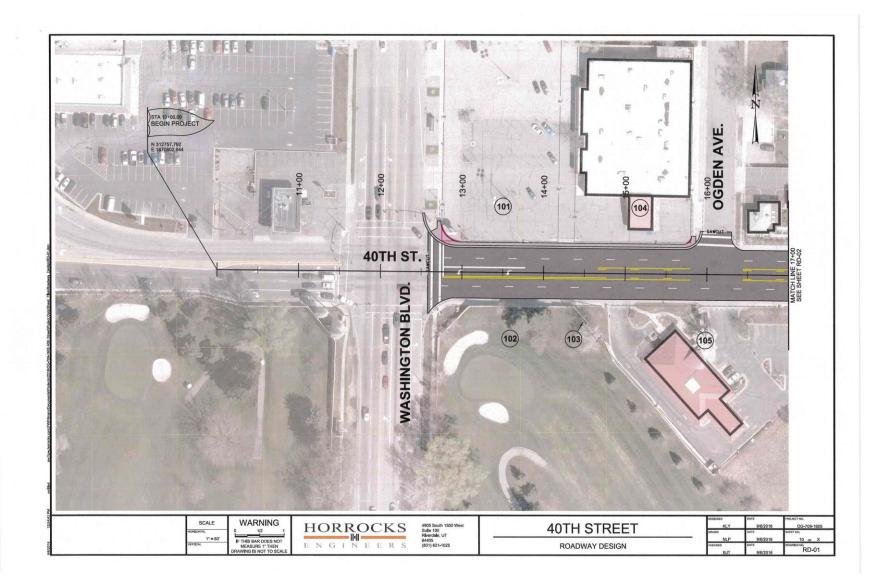
Historically it was rare for SOPD to have a selection process, and we would not do so for five or more years. There have been five openings in the past two years. That number will soon be 8. During that time we have not been fully staffed due to vacancies, or injuries to officers requiring extended time off. We have had to adjust work schedules, deny personal time off, and require mandatory overtime. Stress on officers has gone up, and work related injuries have been more severe. Morale is being negatively affected. We will soon be operating at bare bones staffing in patrol, and are trying to identify how best to cover our school resource officer at the junior high.

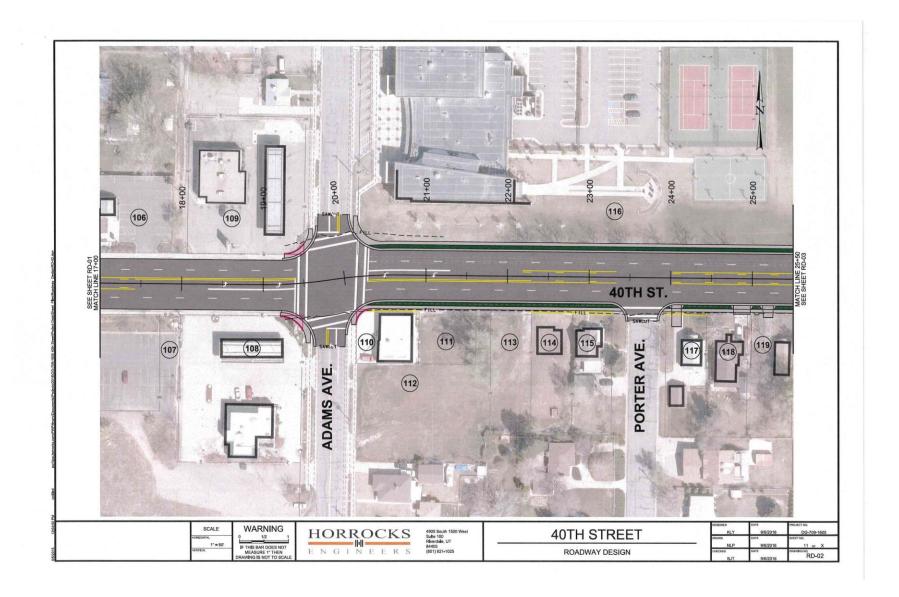
To conduct a selection process, and get a new officer through a 400 hour Field Training Officer Program (FTO) costs in excess of \$70,000.00 in employee hours alone. As an FTO is conducted productivity department wide is reduced. Inexperienced officers have reduced competency and increased liability.

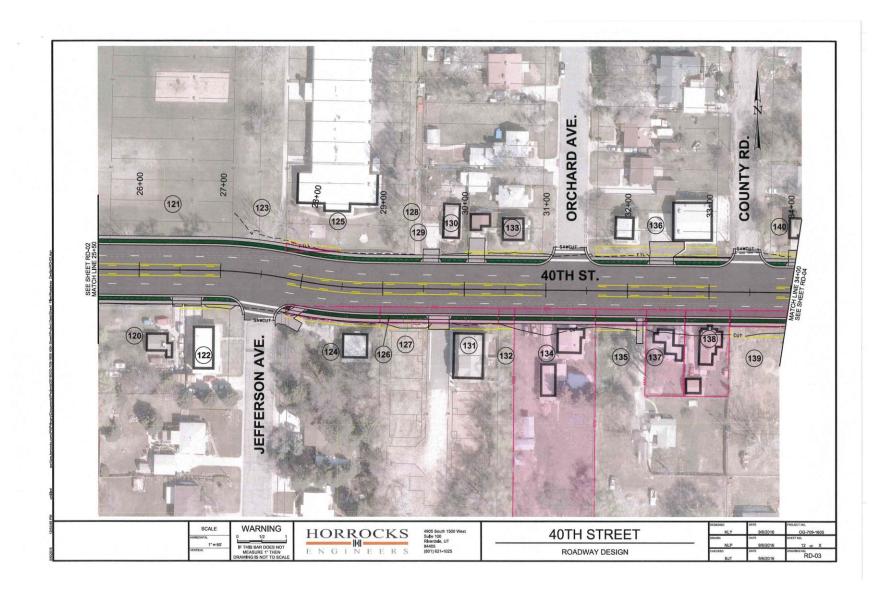
The turbulent situation we are in has grown gradually, and is unsettling. While this is a nation-wide situation, SOPD is at risk of: losing more officers, not being able to fill those vacancies, becoming a training ground for other departments, increased liability, and being dramatically less safe.

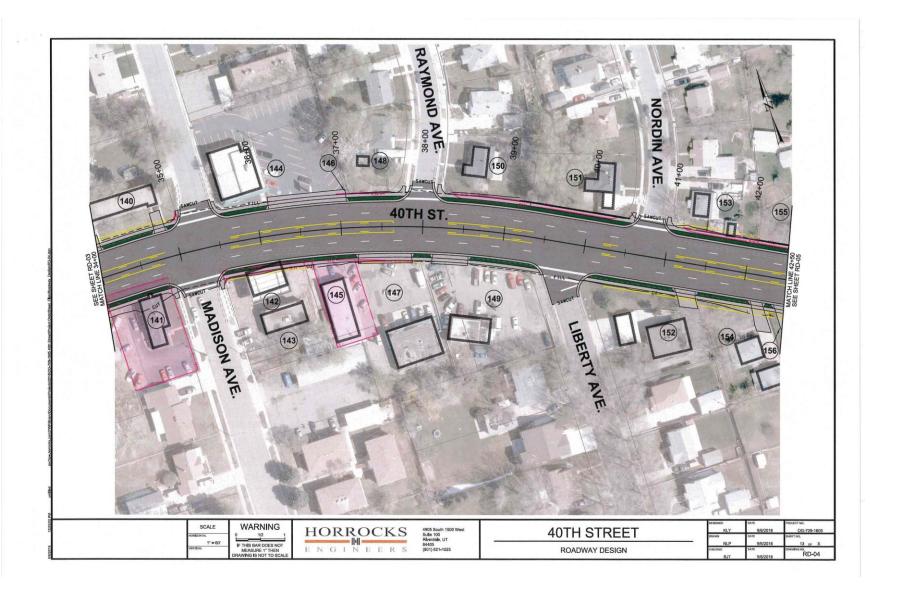
# Attachment B

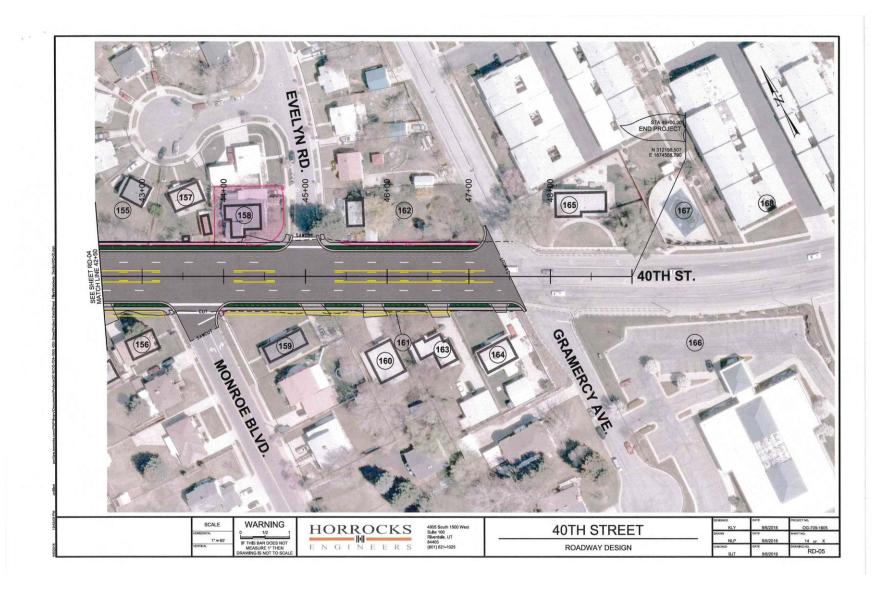
Work Session Packet

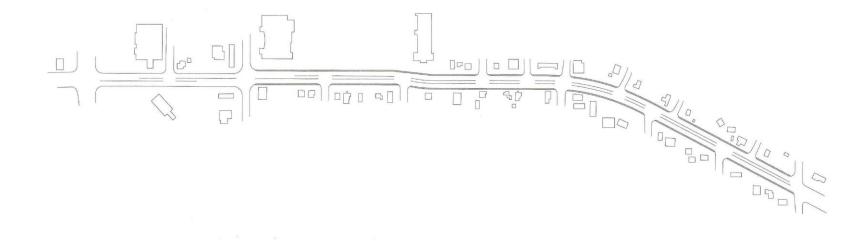














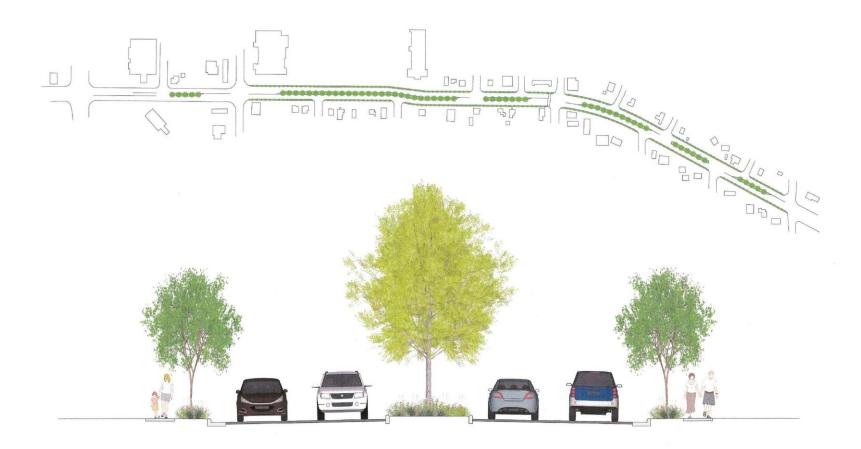
Alternative 1

Planted park strip, no raised median, no trees



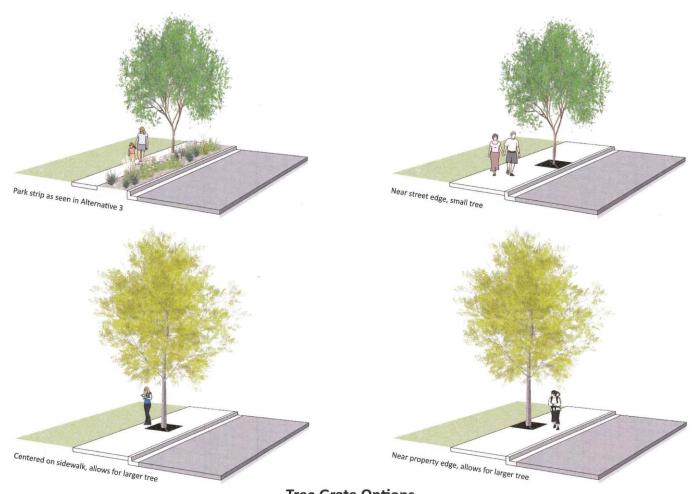
Alternative 2

Planted park strip, raised median with large trees



Alternative 3

Planted park strip with small trees, raised median with large trees



**Tree Grate Options** 

For larger tree along street edge

